

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

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|----------------------------------|---|----------|
| CHRIS ROGERS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. |
| |) | |
| ALL STATES MARKETING, INC. d/b/a |) | |
| PEAK AUCTIONEERING, |) | |
| Serve: Registered Agent |) | |
| Richard Peak |) | |
| 1628 West 9th Street |) | |
| Kansas City, Missouri, 64101 |) | |
| |) | |
| Defendant. |) | |

COMPLAINT

Plaintiff Chris Rogers (“Plaintiff” or “Chris”), for his complaint against Defendant All States Marketing, Inc. d/b/a Peak Auctioneering (“Defendant”), states as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff is an individual residing in Missouri.
2. Defendant is a corporation organized and existing under the laws of the State of Missouri that can be served through its registered agent, Richard Peak, at 1628 West 9th Street, Kansas City, Missouri, 64101.
3. The Court has jurisdiction over this action, which includes claims arising under the Fair Labor Standards Act (29 U.S.C. §§ 201, *et seq.*) (the “FLSA”), pursuant to 28 U.S.C. § 1331.
4. Venue in this Court is proper pursuant to 28 U.S.C. § 1391(b) in that Defendant does business in Missouri and because the events or omissions giving rise to the subject matter of this action occurred in Missouri.

FACTUAL BACKGROUND

5. Plaintiff was hired as a forklift driver for Defendant on or about January 28, 2020.
6. Plaintiff's salary was to be \$35,000 per year.
7. Plaintiff was to be paid bi-weekly.
8. Plaintiff was a non-exempt employee under the Fair Labor Standards Act and was entitled to overtime during weeks in which he worked more than 40 hours per week for the Defendant.
9. Plaintiff was terminated on or about February 26, 2020 by Defendant.
10. During the few weeks that Plaintiff was employed, he frequently worked more than 40 hours per week for the Defendant, but he was never paid overtime by the Defendant.

COUNT I – FAIR LABOR STANDARDS ACT **(FAILURE TO PAY OVERTIME – 29 U.S.C. § 207)**

11. Plaintiff incorporates the allegations set forth above in paragraphs 1 through 10 as if fully set forth herein.
12. Defendant is an “employer” as that term is defined in 29 U.S.C. § 203(d).
13. Chris is an “employee” of Defendant as that term is defined in 29 U.S.C. § 203(e).
14. Chris is not exempt from overtime requirements contained in 29 U.S.C. § 207.
15. On multiple weeks during his employment with Defendant, Defendant failed to pay him overtime per the requirements of 29 U.S.C. § 207.
16. Defendant was aware of the overtime requirements contained in the FLSA and intentionally and willfully sought to evade paying Chris overtime that he was due under the FLSA.

WHEREFORE, Plaintiff Chris Rogers respectfully requests that the Court enter judgment in his favor and against Defendant All States Marketing, Inc. for damages, including back pay,

liquidated damages, and attorneys' fees and expenses, and for such other relief as the Court deems appropriate in the circumstances.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury for the foregoing causes of action.

DESIGNATION OF PLACE OF TRIAL

Plaintiffs hereby request the trial be held in Kansas City, Missouri.

CIVIL COVER SHEET

Attached as **Exhibit A** is a copy of the Civil Cover Sheet.

HKM EMPLOYMENT ATTORNEYS LLP

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